

United States Senate

July 3, 2013

The Honorable Byron Todd Jones
Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
99 New York Ave., NE
Washington, DC 20226

Dear Acting Director Jones:

I am writing concerning discussions held by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on banning non-lead ammunition in hunting rifles. I would like to raise your awareness about the role of non-lead ammunition as it relates to the recovery of the endangered California Condor.

On November 2, 2012, the ATF announced it was requesting comments on its interpretation of the "sporting purposes" exemption of the Gun Control Act of 1968 (18 U.S.C. 922(a)(17)). Congressional intent is clear that the ATF should not use the Gun Control Act to classify non-lead bullets as "armor piercing ammunition" when they are principally designed to be in rifles for sporting purposes. If the ATF were to expand its ban on non-lead ammunition by deeming rifle bullets as "armor piercing," the hunting community could see a tightening supply of non-lead bullets which would complicate a multi-state effort to recover the California condor.

As you may know, the California Condor is a highly endangered species that went extinct in the wild about 25 years ago. Since that time, the U.S. Fish and Wildlife Service (USFWS) has been operating a California Condor Recovery Program that breeds captive condors and releases them into their historic habitat range. The USFWS, along with its state wildlife agency partners in California, Arizona and Utah, are now approaching their goal of restoring the condor population to 450 condors and downgrading their status from "endangered" to "threatened." Today there are around 400 condors in the wild.

Unfortunately, a growing body of scientific research suggests that the condor population may be facing a decline due to the ingestion of lead bullet fragments in hunter-killed carcasses or "gut piles." In April 2013, wildlife managers reported that 8 of the 80 condors in the northern Arizona and southern Utah range died in a three month period, with at least four deaths confirmed as lead poisoning. While some states legislatures are looking at extreme approaches to address this issue, like banning lead ammunition altogether, the State of Arizona has had remarkable and measurable successes in reducing lead ingestion by promoting a preference for non-lead ammunition among hunters in Condor country. The Arizona Game and Fish Department has gone so far as to incentivize the use of copper bullets by subsidizing discount coupons at sporting stores, and has achieved a 90% *voluntary* compliance rate with

hunters in northern Arizona. The Utah Division of Wildlife Resources has recently initiated a similar program in southern Utah.

I am concerned that these voluntary programs will be dealt a severe setback if the ATF were to issue an outright ban on non-lead ammunition in hunting rifles. By restricting the supply of non-lead ammunition, it may become cost-prohibitive for state agencies to incentivize and for sportsmen to freely purchase the use of non-lead ammunition. This concern is shared by state wildlife experts as well as the Peregrine Fund, the leading conservation organization in the California condor recovery effort. In states where a ban on lead ammunition will never happen, voluntary encouragement is our best option for reducing lead exposure in condors.

I feel strongly that the 25 year effort to conserve and restore the California condor across state borders should not be derailed, least of all by the federal government, now that conservation goals are within reach. I urge you to take into consideration the effects that a misguided universal ban on non-lead ammunition would have on the sportsmen's community and state wildlife managers.

Sincerely,

A handwritten signature in blue ink, appearing to read "John McCain", is positioned above the printed name.

John McCain
United States Senator